

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12583, as amended, of the S.C.I. Corporation, for special exception under Paragraph 4101.42 to construct a new office building in the SP District at the premises 1724 Massachusetts Avenue, N.W. (Square 158, Lots 827, 828 and 829).

HEARING DATES: February 22, 1978, March 15, 1978, June 7, 1978  
DECISION DATES: April 5, 1978, and July 5, 1978

FINDINGS OF FACT:

1. The application as originally filed requested a special exception to reduce the required parking. Revised plans filed by the applicant provided all the required parking, so the application was amended to delete that request.
2. The site of the proposed building is on the south side of Massachusetts Avenue between 17th and 18th Streets, N.W., and is known as 1724 Massachusetts Avenue.
3. The three lots included in this application have a total area of approximately 8,222 square feet. The lots are unimproved.
4. Immediately to the west of the site is a three story brick row structure which has a doctor's office in the basement. Immediately to the east is a similar three story brick structure used as an office building. The site is bordered by a twenty foot alley at the rear. Across the alley to the south is a large apartment building and two three-story row structures, all of which front on N Street.
5. The SP District in which this site is located extends generally along Massachusetts Avenue between Dupont Circle to the west and Mt. Vernon Square to the east and along Sixteenth Street, N.W., between Lafayette Square and Q Street. South of M Street in this area, C-4 zoning is found and C-3-B zoning is found along Connecticut Avenue north of Dupont Circle to T Street and south of the Circle to M Street and Pennsylvania Avenue. North of N Street are R-5-C, R-5-D and C-2-B Districts. The area north of Massachusetts Avenue is zoned predominantly for medium and high density residential uses. The majority of property is zoned to permit heights of ninety feet or greater.

6. In March of 1977, the Joint Committee on Landmarks of the National Capital amended the boundaries of the Dupont Circle area and created the Dupont Circle Historic District. The subject site is within those boundaries. The District is characterized with large palatial structures which line the grand avenues of the L'Enfant Plan and with well designed brick rowhouses lining many of the grid streets in the area. The Historic District contains numerous examples of late 19th Century and early 20th Century architecture. Many of the structures were designed by well known architects. As a Category II Historic District, the area is considered to contribute significantly to the cultural heritage or visual beauty and interest of the city and should be preserved and restored, if possible.

7. Massachusetts Avenue is one of the "Grand Avenues" of Pierre L'Enfant's original plan for Washington. The segment of the Avenue between Observatory Circle and 17th Street, N.W., is listed as a Category II Landmark (Place) by the Joint Committee. It is also included within the boundaries of the Dupont Circle Historic District. The Massachusetts Avenue Historic District generally includes all those properties fronting on the Avenue between 17th Street and Observatory Circle. There is a uniform 40' set back between the building line and the sidewalk.

8. The 1700 block of Massachusetts serves as the eastern anchor of the Massachusetts Avenue Historic District. The northern side of this block is devoted to a combination of residential and commercial uses. The Brookings Institution and the building at 1717 Massachusetts Avenue are both ninety feet high and were both approved by the Board. There are, in addition, three large ninety foot apartment buildings on the north side, the Winthrop House at 1727, the Boston House at 1711, and the Bay State at 1701. Of particular historic significance is 1785 Massachusetts Avenue which was built in 1915-17. Designed by Jules Henri de Sebour, this structure is a Category II landmark and listed individually in the National Register of Historic Places. The building is now owned by the National Trust for Historic Preservation and will be used as an office building.

9. The south side of Massachusetts Avenue between 17th and 18th Streets is devoted primarily to office and institutional uses. The Yater Clinic, 1776 Massachusetts Avenue (office building), the Johns Hopkins School of Advanced International Studies were all approved by the Board. There are three buildings of historic significance in this block: The Canadian Embassy/Chancery at 1746 Massachusetts Avenue was constructed in 1906-07 and was designed by Jules Henri de Sebour. This structure is listed individually in the National Register of Historic places. The peruvian Chancery (formerly the Australian Embassy) is located at 1700 Massachusetts Avenue. It was constructed in 1900-10 and was designed by John Russell Pope. It is Category III Landmark.

10. The height of buildings on the south side of the 1700 block is varied, with the more recent buildings near 18th Street at or near the permitted height of ninety feet. The Canadian Embassy is approximately eighty-five feet high. Those structures immediately adjacent to this site are approximately fifty feet high or less.

11. Board of Zoning Adjustment Order No. 12364, dated June 16, 1977, granted an application to construct three SP office buildings on this site (Square 158, Lots 827 & 829). The proposed buildings were to have been approximately forty feet high with a total gross floor area of approximately 18,421 square feet, less than the maximum permitted. Construction of these buildings was economically unfeasible at the time, and was not pursued.

12. Board of Zoning Adjustment Order No. 11629, dated May 23, 1974, approved an application to construct an eight-story, ninety-foot office building for Lots 65, 826-830 in Square 158. The proposed building was to have an area of approximately 105,000 gross square feet. The site of that application included all of the present site, as well as additional property on both sides.

13. The original proposal submitted before the Board at the February 22, 1978 hearing was for the construction of an eight story office building. The building would have two levels of under ground parking containing twenty-two spaces, a cellar level with approximately 677 square feet of office space and eight floors of office space. The building would have been ninety feet in height and would have had a gross floor area of approximately 45,200 square feet.

14. After hearing the case, at its public meeting held on April 5, 1978, the Board voted to deny the application by a vote of 3-0 (William F. McIntosh, Charles R. Norris and Leonard L. McCants to deny, Walter B. Lewis and Chloethiel Woodard Smith abstaining) on the grounds that the building was out of character with the area.

15. By letter dated April 26, 1978, pursuant to Section 5.3 of the Supplemental Rules of Practice and Procedure before the Board of Zoning Adjustment, the applicant requested the Board to reopen the record and hold a further hearing in the case on revised plans for a redesigned building.

16. At its public meeting held on May 3, 1978, by a vote of 5-0 (Walter B. Lewis, Charles R. Norris, Leonard L. McCants, William F. McIntosh and Chloethiel Woodard Smith to GRANT), the Board granted the applicant's motion for further hearing and set June 7, 1978 as the date for that hearing, limited to the impact that the redesigned building would have on the neighborhood.

17. As a preliminary matter to the further hearing, the Board received a motion to dismiss the application. That motion objected to proceeding with the further hearing in the absence of new evidence and to proceeding in advance of a decision by the Zoning Commission in Case No. 78-2. The motion was denied. The Board finds that no new evidence is required to reopen a hearing pursuant to Rule 5.3 of the Rules of Practice and Procedure. The Board further finds that it has no authority to defer consideration of an application pending decision of a different case before the Zoning Commission.

18. In the modified plans, the applicant proposes to construct an office building that will be 73.5 feet in height with seven floors of office space and two underground parking levels. The Massachusetts Avenue facade rises vertically from the ground to a height of approximately 55.5 feet. Above this level the facade slopes inward for two stories to the 73.5 front level. The total height of the building, including roof structures is less than ninety feet. The break in the facade at the 55.5 foot level was designed to reflect the lower cornice lines of adjacent and nearby older buildings. The entrance to the building is by way of a landscaped plaza on Massachusetts Avenue. An eight foot deep arcade with a total area of 564 square feet has been included in the modified design.

19. The first basement level would accommodate eleven cars and the second basement level would accommodate thirteen cars for a total of twenty-four parking spaces. The two basement levels also include vault space which was formerly proposed for parking. One loading dock is also provided at the rear of the building.

20. The Massachusetts Avenue facade of the building is composed of three bays, each of which is approximately twenty-three feet wide. The facade rises vertically for a distance of some 55.5 feet or five stories and then slopes toward the rear of the property an additional eighteen feet or two stories. Materials employed in this design are primarily brick and glass. This design has eliminated the vertical side wall and the high space frame of the earlier design.

21. The penthouse has been set back so as to be outside of the visual field of the street. The FAR of the proposed penthouse is 0.24, substantially less than the permissible FAR of 0.37. The roof structure extends up to the elevation of 89.5 feet, thus keeping the building and roof structures below the maximum ninety foot height provided for the main structure. This is in contrast to the earlier design of a ninety foot building, which with the penthouse totaled 108 feet in height.

22. The width of the building is divided into three vertical segments, each of which is reflective of the widths of the adjoining buildings.

23. The elevations will be finished in high quality faced brick, which is the predominant material of the adjoining buildings.

24. The first floor (street level) is recessed in favor of an arcade, and the front plaza on Massachusetts Avenue is properly landscaped at the sidewalk level. Both the arcade and the plaza will be accessible to pedestrians at that location.

25. The Board finds that the building as redesigned will be in harmony with other uses and buildings in the area, particularly the existing buildings which abut the site, by establishing a cornice line at approximately the height of those buildings, by using brick construction, by employing a vertical facade, and by dividing the building into segments equivalent to the width of the adjoining buildings.

26. The gross floor area of the building as redesigned will total 45,338 square feet, which includes a credit of 564 square feet for the proposed arcade.

27. The use of this building will be limited to those uses specified in Paragraph 4101.42 of the Zoning Regulations. These include chancery uses, offices of non-profit organizations, labor unions, architects, dentists, engineers, doctors, lawyers or similar professional persons, similar to the existing surrounding uses. The applicant has stated that a maximum of twenty per cent of the gross floor area of the building will be devoted to medical and dental uses.

28. Access to the twenty-four car garage in the building is by way of an alley, which has access on 17th Street between N Street and Massachusetts Avenue. The access point is restricted to one lane and is used by traffic entering and leaving the alley. Conflicts in that alley between traffic entering and leaving occur infrequently and the addition of the building changes the number of spaces served by the alley by only approximately ten per cent. This change is not of any significant consequence.

29. A traffic expert for the applicant testified that the proposed building would not create dangerous or other objectionable traffic conditions. According to the expert's report, traffic traveling in opposite directions in the alley at the same time occurred infrequently during the day. The Board so finds.

30. The building is less than 1,300 feet from Metro Rail and is expected to benefit from a high proportion of transit usage.

31. The Board finds that the addition of twelve peak hour trips to the street intersections serving the site will have no significant effect on the quality of traffic flow.

32. The Department of Transportation, by report dated February 27, 1978 and by testimony at the public hearing reported that the surrounding street system can accommodate the traffic generated by the development without reasonably affecting the level of service. The Board so finds.

33. The Municipal Planning Office, by report dated June 2, 1978 and by testimony at the hearing on June 7, 1978, recommended that the application be granted as a result of the redesigned building. MPO, which had opposed the grant of this application at the earlier hearing, stated in its report and the Board finds that the new design involves a height reduction of seventeen feet, inclusion of a cornice line which is comparable with adjacent properties, and a more restrained facade treatment in keeping with nearby properties. The revised plans have substantially and successfully addressed those concerns previously raised by MPO relating to the design and character of the proposed building. It was the opinion expressed by MPO that the use of this property as proposed will be in harmony with the existing uses on neighboring and adjacent property. The Board so finds.

34. Advisory Neighborhood Commission 2B, by written statement received on March 22, 1978 and marked as Exhibit No. 70 in the record and by testimony at the hearings, opposed the application. The ANC opposed the granting of the application because the Dupont Coalition's rezoning case had not been heard by the Zoning Commission; because the proposed office building would be out of harmony with the predominant residential use of the area; and because the ANC did not receive notice of the Board's intention to consider whether to reopen the record and conduct further hearing.

35. As to the issues and concerns of the ANC, the Board finds that this case must be decided on the basis of the regulations in effect at the time of consideration of the case. The Board cannot speculate as to what the Zoning Commission will do with a pending application, and furthermore, the applicant is entitled to be judged on the basis of the regulations now governing the application. The Board finds that the area within which the subject site is located, specifically including both sides of Massachusetts Avenue between 17th and 18th Streets, is devoted to a variety of uses including a mixture of office uses as well as residential uses. As established by testimony of the applicant, the Municipal Planning Office and even a representative of the ANC, there are a substantial number of office uses in the immediate area, including office use immediately adjacent to the south. The Board finds that a party filing a request for further hearing under Section 5.3 of the Supplemental Rules of Practice and Procedure before the BZA is not required to serve such a request upon other parties even though the applicant in this case did serve the motion upon the ANC. As to the further hearing itself, a letter of notice was sent to the ANC on May 5, 1978, far more than the ten day minimum notice required by the Rules and more than the thirty days normally required for notice to ANC's.

36. As a matter-of-right, the applicant could erect an apartment building to a height of ninety feet and a floor area ratio of 6.0. The Board finds that such a building, over which there would be no review, could be more objectionable than the proposed building in terms of both the traffic to be generated and the design as it relates to adjoining buildings.

#### CONCLUSIONS OF LAW AND OPINION:

Based upon the above findings of fact, the Board concludes that the proposed office uses as permitted in the Special Purpose district will be in harmony with the existing uses on both neighboring and adjacent properties. The character of use in the area is a mixture of SP office uses and residential uses and this area of Massachusetts Avenue is a prime SP office district in the City. The Board also concludes that the use will not create dangerous or other objectionable traffic conditions. The testimony established that the number of vehicles which would be added to peak hour flows would not change the level of service at the intersection of Massachusetts Avenue and 17th Street. Thus, the increase in traffic would be adequately handled by the capacity of the surrounding street system. Moreover, this site enjoys a favorable location with regard to Metro and public bus transportation.

Further, since the intent of the SP District is to stabilize those areas adjacent to the C-4 District containing central business district supporting uses, and specifically encouraging, among other uses, offices, the Board concludes that the grant of the application will be in accordance with the intent and purpose of the Zoning Regulations and Map. The SP zoning district in this area is located adjacent to the C-4 District and the subject site lies in the approximate center of the SP District with frontage on the major arterial of Massachusetts Avenue.

The Board concludes that the applicant has made a good faith effort to try and resolve the problems which caused the Board to originally vote to deny the application. The height of the building has been reduced and the design has been substantially modified to be in harmony with surrounding buildings. The Board concludes that as revised the application meets all of the standards against which it must be judged.

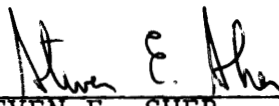
The Board concludes that it has given "great weight" to the issues and concerns of the Advisory Neighborhood Commission, and that for the reasons stated above, the Board concludes that the objections of the ANC do not warrant the denial of this application.

It is therefore ORDERED that the application be granted in accordance with the revised plans marked as Exhibit 79 in the record.

VOTE: 3-1 (Charles R. Norris, Chloethiel Woodard Smith and William F. McIntosh to GRANT, Walter B. Lewis to DENY by proxy, Leonard L. McCants not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 24 AUG 1978

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.